

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

BRIAN YOUNG, :  
Plaintiff, :  
v. : Civil Action No. 05-387J  
SOMERSET COUNTY, TIMOTHY MAPES, :  
CAREY RANKIN, JAMES HAY, DONALD :  
HARVEY, and JEFF HOBBS, :  
Defendants :

**MEMORANDUM ORDER**

This matter was referred to Magistrate Judge Keith A. Pesto for pretrial proceedings in accordance with the Magistrates Act, 28 U.S.C. § 636(b)(1), and subsections 3 and 4 of Local Rule 72.1 for Magistrate Judges.

On August 22, 2006, the Magistrate Judge filed a Report and Recommendation, docket no. 6, recommending that the defendants' motion to dismiss, docket no. 3, be granted in part and denied in part.

The parties were notified that pursuant to 28 U.S.C. § 636(b)(1), they had ten days to serve and file written objections to the Report and Recommendation. No objections were filed, and the time to do so has expired.

After review of the record of this matter together with the Report and Recommendation, and noting the absence of objections thereto, the following order is entered:

AND NOW, this 26<sup>th</sup> day of September, 2006, it is  
ORDERED that defendants' motion to dismiss, docket no.  
3, is granted in part and denied in part as set forth in the Report  
and Recommendation, which is adopted as the Opinion of the Court.

BY THE COURT:



KIM R. GIBSON,  
UNITED STATES DISTRICT JUDGE

Notice to:

counsel of record